

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Jonathan S. Stinson

Art Group: 3738

Serial No.: 09/416,506 (Prior Appl.)

Examiner: Urmi  
Chattopadhyay  
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-158

Filed: November 25, 2003

For: Bioabsorbable Endoprosthesis having Elongate Axial  
Reservoir for By-Product Collection



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TRANSMITTAL

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (5 pages);
2. Divisional Application, consisting of 33 pages of text; 5 pages of claims; 1 page of Abstract and 7 sheets of formal drawings;
3. Copy of Declaration and Power of Attorney (signed) filed in original application;
4. Statement Regarding Divisional Application (3 pages);
5. Check in the amount of \$1,004.00; and
6. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/416,506 is hereby incorporated by reference in the present application.

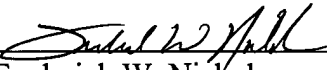
Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: November 25, 2003

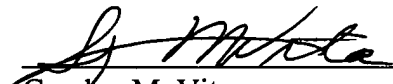
By:   
Frederick W. Niebuhr  
Reg. No. 27,717

Customer No. 23,452

### CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Bioabsorbable Endoprosthesis having Elongate Axial Reservoir for By-Product Collection" including 33 pages of text, 5 pages of claims, 1 page of abstract and 7 formal drawing sheets, copy of Declaration and Power of Attorney, Statement Regarding Divisional Application, and check in the amount of \$1,004.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: November 25, 2003

  
GERALYN M. VITA

Mailing Label No.: EL966214363US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Jonathan S. Stinson

Art Group: 3738

Serial No.: 09/416,506 (Prior Appl.)

Examiner: Urmi Chattopadhyay (Prior Appl.)

Serial No.: (New Appl.)

Atty. Docket: 23,369-158

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For: Bioabsorbable Endoprosthesis having Elongate Axial  
Reservoir for By-Product Collection

REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request under 37 CFR 1.53(b) for filing of a Divisional Application pursuant to 35 U.S.C. § 121 of copending prior application Serial No. 09/416,506, filed October 8, 1999.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) – 33 pages;  
claims (including new claims) - 5 pages;  
abstract - 1 page;  
formal drawings - 7 sheets; and  
declaration and power of attorney - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 09/416,506, which application is incorporated by reference in this application. A copy of prior application Serial No. 09/416,506 is not enclosed.

B. Amendments

The prior application is amended by canceling original claims 1-29 and 31-43, and by adding new claims 44-75. Accordingly, the filing fee is calculated based upon claims 33 and 44-75.

C. Title

1. The title of the original application (as amended) is:

Bioabsorbable Endoprosthesis having Elongate Axial Reservoir for By-Product Collection

2. The title of this application is:

Bioabsorbable Endoprosthesis having Elongate Axial Reservoir for By-Product Collection

D. Identification of Inventors

1. The name and correspondence address of each original inventor:

Jonathan S. Stinson  
14815 Fourth Avenue North  
Plymouth, Minnesota 55447

2. Name and current correspondence address of each present inventor:

Jonathan S. Stinson  
14815 Fourth Avenue North  
Plymouth, Minnesota 55447

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application.

The inventorship in this application is the same as in the prior application.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney, executed by Jonathan S. Stinson on August 1, 1997, is enclosed herewith.

H. Small Entity Status

Not applicable.

I. Formal Drawings

Figs. 1-6, formal drawings are submitted herewith.

J. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee	\$770.00
Number of independent claims, minus 3 = 0 times \$86.00	
Total number of claims in excess of 20 = 13 times \$18.00	<u>234.00</u>
Total Filing Fee	\$1,004.00

K. Fee Payment

A check in the amount of \$1,004.00 is enclosed to cover the filing fee.

L. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

M. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

N. Priority - 35 U.S.C. 119

Not applicable.

O. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending application Serial No. 09/416,506, filed October 8, 1999 as a divisional of application Serial No. 08/905,805 (now U.S. Patent No. 5,980,564), filed August 1, 1997.

See Item S below as to copendency.

P. Assignment

An assignment of the prior application was recorded August 4, 1997 on Reel 8658, beginning at Frame 0025.

Q. Power of Attorney

1. The most recent Power of Attorney in the prior application was filed November 24, 1998, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr  
Registration No. 27,717

Customer No. 23,452

Telephone No. (952) 896-1574

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

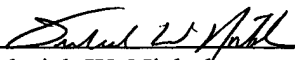
The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully Submitted,  
Boston Scientific Scimed, Inc.

Dated: November 25, 2003

By:   
Frederick W. Niebuhr  
Reg. No. 27,717

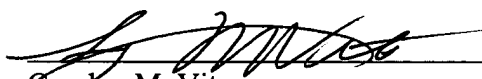
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Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Request for Divisional Application Under 37 C.F.R. 1.53(b) (of application Serial No. 09/416,506) and accompanying papers including application text (39 pages), 7 sheets of formal drawings, declaration (copy) and power of attorney (copy) and Statement Regarding Divisional Application, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

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